

# Washington Law Review

---

Volume 2 | Number 2

---

2-1-1927

## Periodical Notes

anon

Follow this and additional works at: <https://digitalcommons.law.uw.edu/wlr>



Part of the [Law Commons](#)

---

### Recommended Citation

anon, Periodical Notes, *Periodical Notes*, 2 Wash. L. Rev. 142 (1927).

Available at: <https://digitalcommons.law.uw.edu/wlr/vol2/iss2/12>

This Periodical Notes is brought to you for free and open access by the Law Reviews and Journals at UW Law Digital Commons. It has been accepted for inclusion in Washington Law Review by an authorized editor of UW Law Digital Commons. For more information, please contact [cnyberg@uw.edu](mailto:cnyberg@uw.edu).

## PERIODICAL NOTES

THE COMPETENCY OF ATTESTING WITNESSES. By Alvin E. Evans. 25 MICH. L. REV. 238. Jan. 1927.

This article discusses attestation of wills by interested persons, pointing out the nature of a disqualifying interest and the mental and moral qualifications of the attesting witness. It concludes that Lord Mansfield's original views prevail, aided by confusion between qualifications of attesting and testifying witnesses. The author suggests the adoption of Professor Wigmore's word "attestors" to alleviate this.

OPPOSITION OF THE LAW TO BUSINESS USAGES. By Austin Tappan Wright. 26 COL. L. REV. 917. Dec. 1926.

A critical consideration of legal attitudes toward business usages, concluding that the consensual theory of contract and agency law is an obstacle to their legal recognition, but that trade organization and standardized contracts have decreased the practical importance thereof.

WITHDRAWALS OF REPUDIATION AFTER ANTICIPATORY BREACH OF CONTRACT. By L. Vold. 5 TEX. L. REV. 9. Dec. 1926.

Withdrawal of repudiation after anticipatory breach of contract is usually ineffective, especially after rescission, action brought, estoppel, or present damage suffered, but under special circumstances where the withdrawal will restore the *status quo ante* it is permitted, not because there is no breach until the promisee has elected to treat the repudiation as such, but on the theory that further legal proceedings should be prevented as vexatious litigation.

THE PROPER FORUM FOR SUITS AGAINST FOREIGN CORPORATIONS. By Granger Hansell. 27 COL. L. REV. 12. Jan. 1927.

The various questions involved in the jurisdiction of courts over suits against foreign corporations are considered, special emphasis being placed upon the power of the plaintiff to demand that jurisdiction be taken as a constitutional and legal right. The article advocates allowing the trial court discretion to force the suit to be heard either where the parties reside, or where the facts giving rise to the cause of action accrued.

GOVERNMENT RESPONSIBILITY IN TORT. By Edwin M. Borchard. 36 YALE L. J. 1. Sept. 1926.

A discussion of the history and theory of the subject from early Roman law down to the present time. The federal and practically all state governments deny responsibility for the torts of their officers and employees. The author considers that the maxim, "The king can do no wrong," furnishes the real explanation of denial of responsibility by government.

PROGRESS IN THE LAW OF INHERITANCE TAXATION. By James F. Ryan. 12 IOWA L. REV. 14. Dec. 1926.

A good discussion of statutes and recent United States Supreme Court decisions affecting the "overlapping" of inheritance taxes, concluding that progress is being made toward elimination of "multiple taxation" of the assets, particularly corporate stock, of the same estate.

THE PROBLEM OF TRYING ISSUES. By Edson R. Sunderland. 5 TEX. L. REV. 18. Dec. 1926.

A critical study pointing out the necessity for a re-evaluation of those rules of procedure relating to pleading, evidence and trial by jury, which concludes that, "An instinct for social service will carry both the lawyer and the judge much further than an instinct for that emptiest of all abstractions—procedural logic."

**PASSENGER TICKETS AS CONTRACTS.** By Edwin C. Goddard. 25 MICH. L. REV. 1. Nov. 1926.

A discussion of the views of the courts as to the contractual effect of printed conditions on passenger tickets as compared with holdings on printed provisions in bills of lading, concluding that where the ticket is signed by the purchaser or contains provisions assented to, there is a growing tendency to hold them to be binding contracts.

**NON-COST STANDARDS IN RATE MAKING.** By Robert L. Hale. 36 YALE L. J. 56. Nov. 1926.

This is a thorough analysis of the cases dealing with the important subject of fixing rates where some consideration other than a fair return above cost enters in.

**TESTAMENTARY REPUBLICATION.** By Alvin E. Evans. 40 HARV. L. REV. 71. Nov. 1926.

Republication is defined as "an implied restatement or rewriting of the language of a valid will as of the time of the republication." The doctrines of publication, revival, and incorporation by reference are distinguished. A scholarly examination is made as to the effect of republication on after-acquired lands, changed, satisfied, adeemed, lapsed and void legacies, codicillary revocation of residuary shares, powers of appointment, mistaken reference to a will and republication of destroyed wills.

**THE FOUNDATION OF LIABILITY IN TORT.** By Percy H. Winfield. 27 COL. L. REV. 1. Jan. 1927.

The author discusses the question of whether there are any general principles of the law of torts or only a number of specific torts. He examines the origin in England of most of the well-known torts, and shows that novelty has not usually been a conclusive argument against the existence of a cause of action in tort, from which he concludes that there are general principles on which the law is based.

**THE APPLICATION OF THE PRINCIPLES OF UNFAIR COMPETITION TO CASES OF DISSIMILAR PRODUCTS.** By Edward C. Lukens. 75 U. OF PA. L. REV. 127. Jan. 1927.

The writer concludes the rule that products must be related in character to warrant the granting of equitable relief against the defendant's use of the plaintiff's trade name to a dissimilar product should be a mere rule of evidence and should not necessarily prevent granting relief where the defendant's act is essentially unfair.

**AESTHETIC ZONING REGULATIONS.** By Newman F. Baker. 25 MICH. L. REV. 124. Dec. 1926.

Here the writer shows that the original view of the courts, denying the constitutionality of Aesthetic Zoning and Bill-board regulations, is too narrow for present day social needs; that the majority of courts have evaded the rule by finding considerations of public health and safety in what were intended to be purely aesthetic regulations; that a few courts are now openly sustaining such regulations, which view is acclaimed as the most progressive and consistent and which is destined to become the future rule.